

REMARKS

In sections 1-2 of the Office Action, the Examiner objects to the abstract as having more than 150 words and containing the word "discloses". The abstract has been amended so that it is now less than 150 words. The word "discloses" has been removed. It is believed that this objection has been overcome.

In sections 3-4, claims 1-12 are rejected under 35 USC 102(b) as being anticipated by Matsuda et al. (US Patent No. 6,091,680). These rejections are respectfully traversed.

Matsuda et al. fails to disclose, teach, or suggest, *inter alia*, the following features recited by claim 1 of the present application:

"a low pass filter for receiving the focusing control signal and producing a layer distance balancing signal".

Matsuda et al. discloses a focus control device for controlling an optimized light convergence point of light beam relative to a specified recording surface of a recording medium, which is irradiated onto the recording surface of the recording medium. However, Matsuda et al. does not teach the above-quoted features of claim 1.

In section 4 of the Office Action, the Examiner identifies reference numeral 10 in Fig. 1 as the low pass filter. There is no reference number 10 in Fig. 1 of Matsuda et al. The element 10 in Matsuda et al. is a level holding

circuit 10. When the light beam is converged on the recording surface, **the level holding circuit 10 holds the level of the focus error signal from the equalizer 7 immediately before the light beam jumps.** The level holding circuit 10 then supplies to the selector 9 a signal for generating an initial level of the focus actuator driving signal FD during the jump operation when a focus servo loop is released. See column 6, line 57-64.

Accordingly, the level holding circuit 10 in Matsuda et al. is simply a signal holding circuit. The level holding circuit 10 holds the level of the focus error signal from the equalizer 7 **immediately** before the light beam jumps. Furthermore, Matsuda et al. does not teach the level holding circuit 10 as a low pass filter.

According to the low pass filter in the claimed invention, however, the layer distance balancing signal LB is **an average signal level** of the focus control signal FC, which is different from Matsuda et al. As a result, the level holding circuit 10 in Matsuda et al. is different from the low pass filter recited by claim 1 of the present application.

MPEP 2131 states that a "claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," quoting *Verdegaal Bros v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Since the cited reference does not teach or suggest the low pass filter recited by claim 1 of the present application, the Applicants respectfully submit that claim 1 is patentable. Claims 2-4 are also patentable, at least by virtue of their dependency from claim 1.

Similarly, claim 5 also recites, in part, "a low pass filter for receiving the focusing control signal and producing a layer distance balancing signal". Claim 9 recites, in part, "sending the focusing control signal to the low pass filter to produce a layer distance balancing signal". As discussed above, these features are not disclosed or suggested in the cited reference. Thus, claims 5 and 9 are also patentable. Claims 6-8 and 10-12 are patentable, at least by virtue of their dependency from claim 5 or claim 9.

The Applicants have attempted to address all of the issues raised by the Examiner in the Office Action as the Applicants understand them. The Applicants believe that the Application is now in condition for allowance. If any point requires further explanation, the Examiner is invited to telephone Troy Cai at (323) 934-2300 or e-mail Troy Cai at tcai@ladasparry.com.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

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(Date of Deposit)

Troy Guangyu Cai

(Name of Person Signing)



(Signature)

8/5/04

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Respectfully submitted,



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